



U.S. Department of Justice

United States Attorney  
Eastern District of New York

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271 Cadman Plaza East  
Brooklyn, New York 11201

September 5, 2023

**By ECF**

The Honorable Eric R. Komitee  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Joshua Adam Schulte v. Warden of MDC,*  
Civ. No. 22-cv-766 (Komitee, J.)

Dear Judge Komitee:

This Office represents Respondent Warden of the Metropolitan Detention Center, Brooklyn ("MDC Brooklyn") in the above-referenced action in which Petitioner Joshua Adam Schulte, who is currently incarcerated at MDC Brooklyn, has filed a habeas corpus petition ("Petition") pursuant to 28 U.S.C. § 2241. ECF No. 1. Respondent respectfully submits this supplemental status report in advance of the in-person evidentiary hearing scheduled for September 5, 2023 at 10:30 a.m., specifically as to the subject of Petitioner's "allegedly substantial weight loss while under [Special Administrative Measures]." *See* Sept. 1, 2023 Minute Entry.

By way of background, Petitioner claimed at the August 24, 2023 status conference that during a recent hospital visit, he was informed that he had lost 50 pounds in the past "five or six months." *See* Hr'g Tr. 20:10-25. The Court inquired as to the identity of that hospital; Petitioner was unable to identify the hospital, except to say "I think they only use one" and that he did not believe the hospital was located in Manhattan. *See* Hr'g Tr. 21:1-9.

As an initial matter, Petitioner's claim that he has lost 50 pounds in the past half year is unsupported in the records available to the Federal Bureau of Prisons ("BOP"). Petitioner has been weighed nine times while in BOP custody. Petitioner was first weighed in 2017, the year that he entered the Metropolitan Correctional Center, New York ("MCC New York"); at that initial weighing, his weight was recorded at approximately 140 lbs. At his most recent weighing on August 29, 2023, he weighed approximately 133 lbs. During Petitioner's time in BOP custody, his weight has fluctuated between 132 lbs and 152 lbs (i.e., a spread of 20 lbs). And for the majority of Petitioner's time at MCC New York, his weight fluctuated between 132 lbs and 142 lbs. In summary, Petitioner's weight has fluctuated by 20 lbs over the course of the past five years – a far cry from the fifty-pound plunge in the past six months that he claimed at the conference.

Additionally, based on a review of Petitioner's records, the Government has identified one recent hospital visit, which is believed to be the visit discussed at the last status conference.

Petitioner was transported to the Brooklyn Hospital Center, located in Brooklyn, New York at 121 Dekalb Avenue, on or about June 7, 2023. Based on the available record from the Brooklyn Hospital Center, Petitioner received an echocardiogram (“EKG”) in connection with a congenital heart disorder. The Brooklyn Hospital Center’s EKG report does not reflect any physician notes regarding Petitioner’s weight (or, for that matter, any nutrition complaints at all).

Although Respondent believes that Petitioner’s complaints have placed his medical history at issue, in an abundance of caution, Respondent will refrain from filing the records referred to in this supplemental status report until counsel for Respondent can discuss filing logistics with the Court at the upcoming hearing.

Respondent thanks the Court for its consideration of this matter.

Respectfully submitted,

BREON PEACE  
United States Attorney

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